

Daniel P. Winikka (State Bar No. 00794873)
WINIKKA LAW PLLC
 6060 N. Central Expressway, Suite 500
 Dallas, TX 75206
 Phone: 469-384-7710
 Facsimile: 469-384-7709
dan@danwinlaw.com

COUNSEL FOR DEBTOR IN POSSESSION

Craig F. Simon (State Bar No. 00784968)
MEADOWS COLLIER REED COUSINS
CROUCH & UNGERMAN LLP
 901 Main Street, Suite 3700
 Dallas, TX 75202
 Phone: 214-744-3700
 Facsimile: 214-292-2356
csimon@meadowscollier.com

PROPOSED CO-COUNSEL FOR DEBTOR IN POSSESSION

**IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE NORTHERN DISTRICT OF TEXAS
 FORT WORTH DIVISION**

In re	§	Chapter 11
MATTHEW BRANDON MARTORELLO,	§	Case No. 24-90016-mxm-11
Debtor.	§	

**SUPPLEMENTAL DECLARATION OF DANIEL P. WINIKKA REGARDING
 RETENTION OF WINIKKA LAW PLLC AS COUNSEL FOR THE DEBTOR**

I, DANIEL P. WINIKKA, state and declare:

1. I am the founder and sole partner of the law firm Winikka Law PLLC (“Winikka Law or the “Firm”). I am admitted to practice before the United States District Court for the Northern District of Texas. I am a member in good standing of the bar of the State of Texas.
2. I make this Declaration to supplement the Declaration (Dkt.28) I previously submitted (the “Initial Declaration”) in support of the Application for Order Authorizing the Employment and Retention of Winikka Law PLLC as Counsel for the Debtor *Nunc Pro Tunc* as of the Petition Date.

3. The facts set forth in this Declaration are personally known to me based upon personal knowledge, unless otherwise noted, and if called as a witness I would and could competently testify thereto. To the extent that any information disclosed herein requires amendment or modification, I will submit a supplemental statement to the Court.

4. As noted in my Initial Declaration, it was contemplated at the time the Retention Application was filed that the Debtor's wife would be retaining Winikka Law "for legal advice to the extent she determines she needs to commence a bankruptcy proceeding as well given that she is also a defendant in one of the class action lawsuits pending in the Eastern District of Virginia." Initial Declaration at ¶7. Mrs. Martorello did not end up retaining Winikka Law, but instead retained Behrooz Vida to represent her in connection with her possible commencement of a bankruptcy proceeding. On November 13, 2024, Mrs. Martorello filed a petition for relief under chapter 7 of the Bankruptcy Code.

5. I anticipate that Mrs. Martorello may retain Winikka Law along with Meadows Collier Reed Cousins Crouch & Ungerman LLP to represent her in her chapter 7 case with respect to litigation relating to whether she has any liability to consumer borrowers from a federally recognized Indian tribe—the Lac Vieux Desert Band of Lake Superior Chippewa Indians, including any potential challenge to the discharge of any such liability. Such litigation will involve essentially the same issues that will need to be addressed in the adjudication of the Debtor's liability to such consumer borrowers and, to a large degree, the potential liability of Eventide Credit Acquisitions and BWH Texas LLC as well.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

DATED: November 25, 2024

/s/ Daniel P. Winikka
Daniel P. Winikka (TX 00794873)
WINIKKA LAW, PLLC
6060 North Central Expressway, Suite 500
Dallas, TX 75206
Telephone: (469) 384-7710
Facsimile: (469) 384-7709
dan@danwinlaw.com

**COUNSEL FOR DEBTOR IN
POSSESSION**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 25th day of November, he caused to be served a true and correct copy of the foregoing document, (i) electronically filing it with the Court using the CM/ECF system, which sent notification to all parties of interest participating in the CM/ECF system; and (ii) by first class U.S. mail, postage prepaid, upon the parties on the attached service list.

/s/ Daniel P. Winikka
Daniel P. Winikka

Matthew Brandon Martorello
Case 24-90016-mxm-11
Service List

Virginia Borrower Class
c/o John Scofield
Caddell & Chapman
628 East 9th Street
Houston, TX 77007

Big Picture Loans, LLC
Attn: Co-Managers
E23970 Pow Wow Trail
P.O. Box 704
Watersmeet, Michigan 49969
Citibank
Attn: Bankruptcy Dept
PO Box 790034
St. Louis, MO 63179-0034

Giordani & Assoc
Leslie Giordani
2301 S. Capital of Texas Hwy
Building K
Austin, TX 78746

Kohl's Credit Card
Attn: Bankruptcy Dept
PO Box 3115
Milwaukee, WI 53201-3115

First National Bank of Omaha
Attn: Bankruptcy Dept
PO Box 3412
Omaha, NE 68103-0412

Richard Lee Smith
c/o Cynthia B. Chapman
Caddell & Chapman
628 East 9th Street
Houston, TX 77007

Renee Galloway
c/o John Scofield
Caddell & Chapman
628 E. 9th St
Houston, TX 77007

Lula Williams et al
c/o Kelly Guzzo PLC
3925 Chain Bridge Road
Suite 202
Fairfax, VA 22030

Bank of America, N.A.
Attn:
PO Box 31785
Tampa, FL 33631-3785

Greenberg Traurig, LLP
c/o Jennifer Weddle
1200 17th St
Suite 2400
Denver, CO 80202

American Express
Attn: Bankruptcy Dept
PO Box 981535
El Paso, TX 79998-1535
Discover Card
Attn: Bankruptcy Dept
PO Box 3025
New Albany, OH 43054-3025

JP Morgan Chase Bank NA
Attn: Bankruptcy Dept
PO Box 15298
Wilmington, DE 19850

Comenity Capital Bank
Attn: Bankruptcy Dept
PO Box 183043
Columbus, OH 43218-3043

Office of the United States Trustee
1100 Commerce, Room 976
Dallas, Texas 75242-1699

Internal Revenue Service
Centralized Insolvency Office
P. O. Box 7346
Philadelphia, PA 19101-7346

Loeb & Loeb LLP
c/o Barney Given
10100 Santa Monica Blvd.
Suite 2200
Los Angeles, CA 90067

The Summit Investment Group
3207 Plantation Village
Dorado, PR 00646

William Blum
Solomon Blum Heymann LLP
40 Wall Street
35th Floor
New York, NY 10005

Upgrade
Attn: Bankruptcy Dept
2N. Central Ave 10th Floor
Phoenix, AZ 85004

Dana Duggan
c/o John B. Scofield, Jr.
Caddell & Chapman
628 East 9th Street
Houston, TX 77007

Amanda P. Swartz
Trial Attorney, Tax Division
U.S. Department of Justice
717 N. Harwood, Suite 400
Dallas, Texas 75201